

**PROVISION OF SERVICES IN REHABILITATION TEACHING.**

**Final Regulations**

**Adopted January 4, 2002**

**CHAPTER 70.**

**PROVISION OF SERVICES IN REHABILITATION  
TEACHING.**

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**Research and Practice References**

79 Am Jur 2d, Welfare Laws §§32-37 (service to aged, blind, or disabled persons).

**PART I.**

**INTRODUCTION.**

22 VAC 45-70-10. Definitions.

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### 22 VAC 45-70-10. Definitions.

The following words and terms, when used in ~~this chapter~~ these regulations, shall have the following meaning unless the context clearly indicates otherwise:

"Assessment" means the systematic evaluation or identification of the ~~clients'~~ consumers' need for and ability to benefit from services.

"~~Client-Consumer~~" means any person undergoing an assessment or receiving a service provided by the Rehabilitation Teaching Program of the Department for the ~~Visually Handicapped-Blind and Vision Impaired~~.

"Individualized Written Rehabilitation Program (IWRP)" means ~~an individualized~~ written ~~rehabilitation program of~~ rehabilitation teaching services identified during the assessment for each consumer individual being provided specified-determined eligible for services by this program.

"Blindness, legal blindness" means the condition as defined in §§63.1-142 and 63.1-166 of the Code of Virginia.

"Reasonable expectation" means that rehabilitation teaching services ~~will~~ are anticipated to significantly assist ~~an individual~~ consumer to improve his ability to function independently.

"Rehabilitation teaching" means the process of guiding and instructing a visually impaired ~~person-consumer~~ through an individualized plan of instruction designed to develop and raise the level of adaptive coping skills and functional independence.

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"Severely visually impaired" means vision less than 20/70 in the better eye with correction or a field restricted to 70 degrees or less in the better eye.

### Statutory Authority

§§ 63.1-70.1 et seq. ~~and 63.1-78~~ §63.1-85(7) of the Code of Virginia.

### Historical Notes

Derived from VR670-03-3 §1.1; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.

## PART II.

### REFERRAL.

#### 22 VAC 45-70-20. Referral.

A. To be considered for services the following information must be obtained: ~~The department shall expeditiously and equitably process referrals for rehabilitation teaching services.~~

~~A. A referral is any person for whom rehabilitation teaching services have been requested and for whom the worker has obtained the following information:~~

1. Name and address;
2. Date of birth and sex;
3. Disability; and
4. ~~Referral source and d~~ Date of referral.

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The department shall expeditiously process persons referred for rehabilitation teaching services.

B. ~~Processing referrals.~~—An assessment by the Department for the ~~Visually Handicapped~~ Blind and Vision Impaired is required of each ~~severely disabled~~ person who applies for rehabilitation teaching services. The assessment is limited to that information necessary to determine ~~whether the individual is eligible~~ whether the individual is eligible for rehabilitation teaching services consistent with 22 VAC 45-70-30 ~~to be provided rehabilitation teaching services~~ and to determine which rehabilitation teaching services are needed.

### Statutory Authority

§§ 63.1-70.1 et seq. ~~and 63.1-78~~ §63.1-85(7) of the Code of Virginia.

### Historical Notes

Derived from VR670-03-3 §2.1; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.

## PART III.

### ~~ELIGIBILITY AND INELIGIBILITY.~~

22 VAC 45-70-30. Eligibility for rehabilitation teaching services.

22 VAC 45-70-40. ~~Certification of e~~ Eligibility determination.

~~22 VAC 45-70-50. Certification of ineligibility.~~

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### 22 VAC 45-70-30. Eligibility for rehabilitation teaching services.

A. To be eligible for rehabilitation teaching services, ~~an client-consumer~~ must have a visual ~~disability-limitation~~ which, ~~for the individual~~, constitutes or results in a substantial ~~handicap impediment~~ to personal independent functioning.

~~A consumer has~~ The presence of a visual ~~disability limitation~~ for purposes of eligibility for the Department for the Visually Handicapped's rehabilitation teaching services shall constitute if one or more of the following criteria are met:

1. ~~Be~~ Legally blindness;
2. 20/100 to 20/200 distance vision in the better eye with correcting glasses or a field limitation to 30 degrees or less in the better eye, and if the person has been unable to adjust to the loss of vision and if it is determined by the rehabilitation teacher that the person is in need of the specialized services available through the Department for the ~~Visually Handicapped's~~ Blind and Vision Impaired's rehabilitation teaching; or
3. Night blindness or a rapidly progressive eye condition which, in the opinion of a qualified ophthalmologist, will reduce the distance vision to 20/200 or less.

B. A reasonable expectation that rehabilitation teaching services will significantly assist the ~~individual-consumer~~ to improve his ability to cope with blindness and to function more independently.

#### Statutory Authority

§§ 63.1-70.1 et seq. ~~and 63.1-78~~ §63.1-85(7) of the Code of Virginia.

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### Historical Notes

Derived from VR670-03-3 §3.1; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.

### **22 VAC 45-70-40. ~~Certification of e~~ Eligibility determination.**

A. Prior to or simultaneously with acceptance of an ~~visually handicapped individual~~ consumer for rehabilitation teaching services, there shall be a ~~certification~~ determination of eligibility; ~~the certification~~ a case narrative shall state the basis for the visual eligibility and a reasonable expectation that rehabilitation teaching will significantly assist the ~~individual~~ consumer in achieving or maintaining functional independence. When a consumer is determined ineligible for rehabilitation teaching services, the rehabilitation teacher shall inform the consumer of the ineligibility determination, stating the reason or reasons; this may be done during a personal contact or by a letter.

~~B. The certification shall be approved, dated, and signed by a DVH staff member.~~

### Statutory Authority

§§ 63.1-70.1 et seq. ~~and 63.1-78~~ §63.1-85(7) of the Code of Virginia.

### Historical Notes

Derived from VR670-03-3 §3.2; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.

### ~~22 VAC 45-70-50. — Certification of ineligibility.~~

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~~When an individual is determined ineligible for rehabilitation teaching services, the rehabilitation teacher shall inform the client of the ineligibility determination, stating the reason or reasons; this may be done during a personal contact or by a letter. A certification of ineligibility shall be placed in the case folder explaining the reasons the client is ineligible.~~

### **Statutory Authority**

~~§§ 63.1-70.1 et seq. and 63.1-78 of the Code of Virginia.~~

### **Historical Notes**

~~Derived from VR670-03-3 §3.3; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.~~

## PART IV.

## SERVICES.

22 VAC 45-70-60. The Individualized Written Rehabilitation Teaching Program (IWRP).

22 VAC 45-70-70. Scope of rehabilitation teaching services.

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### **22 VAC 45-70-60. The Individualized Written Rehabilitation Teaching Program (IWRP).**

A. Initial plan development.

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1. The IWRP shall specify the ~~be initiated and periodically updated for individually provided~~ rehabilitation teaching services that the consumer and DBVI instructor jointly determine are necessary to raise the level of adaptive coping skills and functional independence.
2. The IWRP shall be initiated after determination of eligibility and periodically updated to include additional rehabilitation teaching services that are needed by the consumer.
- ~~23.~~ Rehabilitation teaching services shall be provided in accordance with IWRP.
3. ~~The IWRP shall be initiated after certification of eligibility for rehabilitation teaching services.~~

### Statutory Authority

§§ 63.1-70.1 et seq. ~~and 63.1-78~~ §63.1-85(7) of the Code of Virginia.

### Historical Notes

Derived from VR670-03-3 §4.1; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.

### **22 VAC 45-70-70. Scope of rehabilitation teaching services.**

Services provided through the rehabilitation teaching services program may include:

1. ~~Intake e~~ Counseling to determine the ~~handicapped individual~~ consumer's need for specific rehabilitation teaching services.
2. Referral to and information regarding ~~available community~~ resources and programs that might benefit the ~~individual~~ consumer.

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3. Counseling to assist the consumer ~~visually handicapped individual~~ cope with visual loss.

4. Provision of low vision services in accordance with 22 VAC 45-110 ~~Regulations~~ Governing Low Vision ~~this program. This includes: assessment of need, arrangement for examination, arrangement for or coordination of purchase of low vision aids, and the provision of instruction and follow up services.~~

5. Instruction in the following areas:

a. Personal management skills or activities of daily living;

b. Home management skills;

c. Communication skills: including – reading and, writing ~~Braille, typing, script writing,~~  
and use of electronic equipment and technology;

d. Other appropriate adaptive coping skills, i.e., leisure and recreational activities;

and

e. Information and instruction in the acquisition of and use of adaptive equipment.

### Statutory Authority

§§ 63.1-70.1 et seq. ~~and 63.1-78~~ §63.1-85(7) of the Code of Virginia.

### Historical Notes

Derived from VR670-03-3 §4.2; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.

## PART V.

## FINANCIAL PARTICIPATION.

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22 VAC 45-70-80. Financial participation.

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### 22 VAC 45-70-80. Financial participation.

~~There is no financial participation required for the counseling, referral, and instructional services provided through rehabilitation teaching.~~

A. The Department for the Blind and Vision Impaired has elected to uniformly apply a financial needs assessment for persons receiving purchased rehabilitation teaching services and goods in the Commonwealth. Purchased services and goods may be provided at no cost to the recipient who is legally blind if the family's income is less than 100% of the federally estimated median income for Virginia, and if the family's assets are less than 50% of the federally estimated median income as determined by the U. S. Department of Health and Human Services, Family Support Administration. The Department for the Blind and Vision Impaired will change its financial participation levels to match the above-referenced estimated median income level every third year.

B. There is no financial participation required for the assessment, counseling, low vision exams, information and referral, and instructional services provided through the rehabilitation teaching services program.

C. Consumers must be both legally blind and demonstrate financial need as determined by the financial needs assessment in order to receive any purchased services or goods other than a low vision exam.

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D. Allowable deductions from income.

1. Expenses that may be deducted from family income on the financial needs assessment are unusual medical expenses and the education of a consumer or family member to attend a private or public educational facility. Medical expenses such as routine doctors' visits and hospital insurance premiums may not be deducted.

2. When the consumer's gross family income, liquid assets, or both exceed the financial eligibility requirement after allowable deductions have been considered, the consumer and his/her family are required to apply the excess toward the cost of those services provided by rehabilitation teaching services for which financial need is considered.

**Statutory Authority**

§§ 63.1-70.1 et seq. ~~and 63.1-78~~ §63.1-85(7) of the Code of Virginia.

**Historical Notes**

Derived from ~~VR670-03-3 §5.1~~; eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990.

I certify that this regulation is full, true, and correctly dated.

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W. Roy Grizzard, Jr., Ed.D., Commissioner

Department for the Blind and Vision Impaired

January 4, 2002